PLANNING FOR COEXISTENCE?

Recognizing Indigenous rights through land-use planning in Canada and Australia

LIBBY PORTER AND JANICE BARRY

ROUTLEDGE

PLANNING FOR COEXISTENCE?

This page intentionally left blank

Planning for Coexistence?

Recognizing Indigenous Rights through Land-use Planning in Canada and Australia

LIBBY PORTER
RMIT University, Australia

and

JANICE BARRY
University of Manitoba, Canada

Routledge
Taylor & Francis Group
LONDON AND NEW YORK

First published 2016
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data
A catalog record for this book has been requested

ISBN: 9781409470779 (hbk)
ISBN: 9781409470786 (ebk – ePDF)
ISBN: 9781409470793 (ebk – ePUB)

Typeset in Times New Roman
by Apex CoVantage, LLC

Contents

List of Figures and Tables

This page intentionally left blank

Acknowledgements

We respectfully acknowledge the Wurundjeri, Wadi Wadi, Tsleil-Waututh and Gitanyow peoples on whose lands the research for this book was negotiated and conducted and this book possible. As researchers and authors, it is a privilege to work alongside people for whom the messy challenge of working in planning contact zones is an everyday reality. We are grateful to all of the participants from these Indigenous nations and communities for sharing their time, expertise, and wisdom with us.

The research for this book was funded principally by the UK's Economic and Social Research Council (Grant number RES-061-25-1464) and without that funding support the research could not have been undertaken. Theresa Fresco helped to compile documents that contributed to our selection of case studies, while Joanna Stewart helped with the coding of policy documents as well as the transcription of interviews. To Fiona McConnachie and Krista Rogness, our thanks for assistance in the final stages of the book preparing maps and to Krista for all the tedious work on the reference list. A special thanks to Jody Smith for jumping in to help with the index. Beth McAuley and her team at the Editing Company in Toronto provided superb copy editing services. Our colleagues at various institutions including the Universities of Glasgow, Sheffield, Manitoba, Monash and RMIT who have supported us on this rather long research and writing journey: our thanks to all of you.

There are many others with whom we have conversed, debated, presented ideas to and exchanged correspondence with – too many people to count – who have helped us sharpen the insights and analysis we try to present in this book. Our thanks to you, also. Libby would like to thank her partner and daughters for their eternal patience: the time I had to spend either away on long overseas fieldtrips or poring over a computer to finish this work was not easy on any of us. You are always so patient with me, and I appreciate your support. Janice would like to thank her friends and family members who have listened intently, provided constructive advice and offered other forms of support during this research project.

This page intentionally left blank

Chapter 1
Introduction: The Challenge of Indigenous Coexistence for Planning

Dispossession, Planning and the Politics of Recognition

Indigenous peoples have been dispossessed – dispossessed of their lands, but also of the political, cultural and socio-economic responsibility to govern those lands according to customary ancestral law. These conditions of dispossession are particularly prevalent in settler-colonial contexts, where generations of colonial agents and migrants not only came to stay, but also worked to destroy and then replace Indigenous ways of being with a new political-economic order (Wolfe 2006; Cavanagh and Veracini 2013). As scholars working in the growing field of settler-colonialism studies note, these conditions are not confined to a discrete historic event (Wolfe 2006), but rather form a 'relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their lands and self-determining authority' (Coulthard 2014, 7, emphasis in original). In other words, the fact of Indigenous dispossession in settler-colonial states is a contemporary phenomenon, and the conditions that enable it are persistently reproduced.

An extraordinary struggle has been underway for decades in the face of these conditions of dispossession, waged by Indigenous peoples in countless places across the globe to reconstitute themselves as self-determining peoples with a secure land base. This struggle has involved an encounter with settler-colonial states, an encounter that demands recognition from those states as a fundamental component of any effort to redress dispossession. The last 40 years has witnessed the emergence of an array of regimes of Indigenous recognition around the world, encompassing land settlements, treaties, reconciliation plans, compensation packages, partnerships and agreements. Although not legally binding, the *United Nations Draft Declaration on the Rights of Indigenous Peoples* provides some indication of the nature of these claims and of the models developed in response. It underscores the right of all peoples to self-determination in the pursuit of economic, social and cultural development, as well as Indigenous peoples' rights to maintain and strengthen their relationships to their traditional territories.

These efforts to respond to Indigenous claims are particularly pronounced in former British settler states (Australia, Canada, New Zealand and, to a lesser degree, the United States), countries that share a similar colonial history and similar systems of law. Many of these settler states have developed new legal and political mechanisms for responding to these claims: treaty negotiations in Canada,

Australia's native title regime, and the Treaty of Waitangi in Aotearoa–New Zealand are good examples. The language of rights and of rights-based recognition dominates much of the international, national and sub-national discourse on how settler states are responding to the claims Indigenous peoples are making. Planning has been one of the important public policy arenas where these new mechanisms have come to ground, and where other responses to Indigenous demands have been developed.

These responses, both in planning and in the wider body politic of settler states have attempted to settle the profoundly unsettling impact of Indigenous claims on settler-colonial authority. Yet they have also reignited an essential tension that lies at the heart of Indigenous-colonial relations between the sovereignty of Indigenous law and its associated responsibilities toward unceded Indigenous territories now enmeshed within settler-colonial jurisdictions, and the desire of settler-colonial states to reconcile these unique place-based relationships within existing colonial institutional and legal arrangements. As many Indigenous scholars, activists and leaders have shown (Taiaike Alfred, Glen Coulthard, Irene Watson, Aileen Moreton-Robinson, Michael Dodson, Patrick Dodson, Leanne Simpson), Indigenous demands inherently *challenge* the underlying authority of those very institutional and legal arrangements. Defining redress for dispossession through the very instruments that constitute that dispossession in the first place throws into sharp relief how the operations of colonial power are never transcended, but simply change register and shape. Dene scholar, Glen Coulthard argues that 'instead of ushering in an era of peaceful coexistence grounded on the ideal of *reciprocity* or *mutual* recognition, the politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples' demands for recognition have historically sought to transcend' (2014, 3, emphasis in original).

Given political and spatial characteristics, Indigenous demands place a specific onus upon planning systems. Planning, as an arena where issues about the use, management and future of place are contested, negotiated and settled makes an obviously important site where the finer institutional, legal and land-use arrangements of recognition are hammered out. It is not surprising then that planning has come to be a key forum where the politics of recognition comes to ground. Yet despite some fairly significant shifts, particularly in the field of natural resource management planning, how the politics of recognition plays out in different planning contexts and the factors that shape planning's responses to Indigenous demands are not widely discussed in planning research and practice (Hibbard, Lane and Rasmussen 2008). Perhaps more importantly, planning as a field of inquiry and practice has not yet sufficiently come to grips with its own complicity in the ongoing fact of dispossession in settler-colonial states.

This book is about what happens when Indigenous demands for recognition of coexisting political authority over territory intersect with environmental and urban land-use planning systems in settler states. Taking the complicity of planning in ongoing processes of Indigenous dispossession as a point of departure, this book

looks closely at where and how Indigenous demands have become part of land-use planning systems and how those demands have been settled and managed. In doing so, the book is also about how planning processes themselves become sites for Indigenous resistance and resurgence, and the complex politics of recognition that unfolds.

Contribution, Purpose and Framing of the Book

Recognition of cultural difference has been a debate within planning for a long time; showing how this recognition unsettles the universalizing tendencies of planning (Sandercock 2003, 1998a) creates space for a critical reflection on the invisibility of certain cultural identities (Sandercock 1998b) and enables analysis of the socio-economic and political impacts of exclusionary practices (Hooper 1992; Sandercock and Forsyth 1992; Yiftachel 1998, 2009; Beebeejaun 2004; Harwood 2005). Cultural recognition often demands a more radical line of questioning about how planners should understand and then act in contexts of 'deep difference' (V. Watson 2006; see also Yiftachel 1998; Fenster 2003; Burayidi 2003; Beebeejaun 2004; Thomas 2000; Harwood 2005; Jackson 1997; Umemoto 2001; Porter 2006b). The onus Indigenous demands place upon planning significantly overlaps with, but is also distinctly different from, the recognition of other forms of cultural difference. For in contexts of Indigenous-settler encounters, planning is confronted with substantively different ontological and epistemological philosophies of human-environment relations, which give rise to unique systems of governance and a deep sense of responsibility and connection to places and the non-human entities that live in those places (see Alfred 1999; Langton 2002; I. Watson 2002). Tom Trevorrow, a Ngarindjerri Elder, states it in beautifully simple terms: 'Our traditional management plan was: don't be greedy, don't take more than you need and respect everything around you. That's the management plan – it's such a simple management plan but so hard for people to carry out' (*Murrundi Ruwe Pangari Ringbalin* 2010).

Indigenous scholars of planning have sought to express these differences and their implication for how planning is theorized and practised (see Jojola 2008; Matunga 2013). These expressions position planning as an essential element of the colonial project, directly implicated in the processes of Indigenous dispossession and colonial conquest. A small body of work attends to this important point (Porter 2010; Ugarte 2014; Dorries 2012; Stanger-Ross 2008), and has aimed to expose how planning continues, in its contemporary practice and theory today, to *reproduce* spatial relations in the interests of settler-colonial power (Lane and Cowell 2001; Howitt and Lunkapis 2010; Yiftachel 2009; Porter 2010). This often occurs in ways that erode Indigenous efforts to claim and *re*claim their political, cultural and economic sovereignties (Dorries 2012).

Acknowledging this erosion to be a real possibility in every planning situation, a growing number of authors are exploring the 'split personality' (Hibbard, Lane

and Rasmussen 2008) of planning in Indigenous contexts, highlighting the ways planning might also be used to create space for the exercise of Indigenous self-determination (Lane and Hibbard 2005; Zaferatos 2004) and the reclamation of Indigenous modes of socio-spatial organization (Jojola 1998, 2003; Matunga 2013). Taking seriously that all outcomes and politics are contingent (they might always have been different) points to the importance of conceiving planning as a potentially transformative space. There are numerous compelling examples of planning processes that have been able to catalyze deep, cross-cultural learning about the legacies of colonialism and take significant steps toward the improvement of community relations (see, for example, Dale 1999; Sandercock and Attili 2010), if not the development of planning tools and practices that are more responsive to Indigenous customary law. A substantial body of literature and practice guides now exists, tracking how recognition of Indigenous rights and title has led to increased engagement with Indigenous stakeholders (Berke et al. 2002), and providing guidance on new modes of planning governance including the now well-established models of joint or co-management (Stevens 1997; Borrini-Feyeraband, Kothari and Oviedo 2004; Howitt, Connell and Hirsch 1996; Jaireth and Smyth 2003; Jentoft, Minde and Nilsen 2003; Lane and Williams 2008; Maclean, Robinson and Natcher 2014), or protection of cultural heritage (Jones 2007). More recent work is showing how a more advanced and scaled-up set of planning processes is now being conducted on a government-to-government basis, where settler states and Indigenous peoples mutually recognize their separate coexisting authority and create agreements to manage land-use planning responsibilities (Barry 2011).

The vast majority of these examples relate to environmental planning and natural resource management situations. The field has been much less responsive to the questions posed by Indigenous claims and Indigenous customary law for planning in *urban* contexts (for recent exceptions to this silence, see Porter 2013; Porter and Barry 2015; Dorries 2012). This is curious, as there are a variety of fields contributing to a rich set of debates that all speak very directly to planning on these questions. For example, there is significant work on the specific needs and socio-economic position of Indigenous people living in cities (Cardinal 2006; Peters 2005, 2006; Walker 2003). There is also important work on questions of urban governance, particularly about Indigenous self-government (Peters 1992; Walker and Barcham 2010; Walker 2006) and what that means for municipalities (Mountjoy 1999) and on urban citizenship debates (Wood 2003). Finally there is a robust and long-standing debate about the cultural politics and political economy of expressions of Indigenous identity and agency in the city as well as analyses that position urbanization as a key colonial process (Jacobs 1996; Edmonds 2010; Pieris 2012; Porter and Barry 2015; King 1990; Shaw 2007; Yiftachel and Fenster 1997), exposing how Indigenous people are often only engaged in urban governance processes when their protest movements present significant risks to the viability of major development projects (MacCallum Fraser and Viswanathan 2013).

This book seeks to address these gaps, especially the paucity of planning research on Indigenous recognition in urban contexts. To that end, the book speaks directly to the practice and theorization of planning, drawing on debates, concepts and theoretical lenses from a wide range of other fields. Our aim in this book is to examine *what actually happens* when planning systems meet the claims and struggles of Indigenous peoples, as well as when they interact with now well-established settler-state mechanisms that purportedly seek to redress those claims.

We do this from three points of departure: First, that planning as it is conceived and performed today in settler states is an innate part of the process that makes and remakes colonial spatial and political authority normal and coherent. Planning was intrinsically involved in historical processes of subjectification and dispossession, and remains one of the key policy arenas in which states seek to resettle the surety of their spatial jurisdictions. Second, that the variant of Indigenous recognition that liberal states have widely adopted in response to Indigenous claims reconfigures colonial domination and reproduces the conditions of dispossession. Third, that neither of the first two points should be conceived as monolithic or inevitable. The intersection of planning with Indigenous demands for recognition of sovereign political and spatial jurisdictions has enormous transformative potential. Understanding where that potential exists, how and when it can become foreclosed, and how the demands of Indigenous people might more effectively be used in planning for these ends requires a critical yet hopeful conceptual framing, and a close empirical attention to actually existing interactions between planning systems and Indigenous peoples.

This book adopts the struggle for *coexistence* as that critical yet hopeful conceptual framing. As the title of the book suggests, when the actions and agency of Indigenous demands can articulate planning as a practice and ethic of coexistence, we contend that a more transformative politics of recognition becomes possible. We use coexistence in this book as a normative, political and conceptual position. It is especially insightful for its commitment to holding onto a deep contradiction that underlies the contemporary situation of every settler-colonial state: Indigenous people and non-Indigenous settlers *co-occupy place*, and yet they do so in ways that are *rarely common* with each other, and often fundamentally different (Howitt 2006). Coexistence, then, immediately signals the profound challenge of, as Howitt calls it, 'being-together-in-place' (2006, 49) with an explicit acknowledgement that the geographies of settler contexts are constructed through 'social and geographical imaginaries in which the presence of others produces a sense of place that is simultaneously of belonging and alienation' (ibid.).

Coexistence, then, is a way of articulating a demand for sharing space in ways that are more just, equitable and sustainable (Howitt and Lunkapis 2010). Such an approach demands rejecting the politics of recognition that we have already flagged as highly problematic; the sort inspired by the work of Indigenous scholars in settler-colonial studies. Not only does coexistence require some kind of broadly conceived mutual recognition (Tully 1995; Fraser 1995) but also an acceptance of multiple and overlapping jurisdictions, where ontologically plural relations to and

governance systems of place all have relevance and standing. Discomfort, unease and unsettlement are the inevitable psychologies and practices that emerge from a commitment to finding ways to accept and cherish these 'strange multiplicities' (Tully 1995). Conflict, incommensurability, ontological plurality and the discomfort of unsettling tension are all essential, if not constitutive, elements of a more progressive politics of recognition for planning.

How, then, to make this overarching political, ethical and normative frame analytically and empirically operational? To enable the close examination of actually existing interactions and politics of the unsettling and uncomfortable demands Indigenous people make to planning, we use the language of the 'contact zone'. This is language we have adopted from American critical linguist Mary Louise Pratt, who defines contact zones as 'the social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery or their aftermaths as they are lived out in many parts of the world today' (1991, 34). As discussed in previous work (Barry and Porter 2012), thinking about planning and Indigenous peoples as a 'contact zone' adds two important dimensions to how cultural difference has hitherto been conceived in planning theory.

First, 'contact zones' orient attention toward the historically constituted colonial power relations that bring such zones into existence. Far from being simply 'there', contact zones are produced and mediated through the structural conditions and agency of social actors, institutions and discourses. Given our focus on land-use planning, we are particularly interested in the texts that define and perform these (post)colonial contact zones. Planning, as a key instrument through which the settler state organizes and standardizes socio-spatial orders, mobilizes a suite of distinct discourses that are produced and reproduced through formal laws, policies and procedures and that also circulate through the planning profession as informal norms and codes of practice. Attempts by state-based planning agencies to recognize the rights of Indigenous peoples are mediated by those socio-spatial orders. Contact zones call our analytical attention, then, to questions about how they come to be, why they appear in the shape that they do, and who is active in producing and reproducing them. Moreover, Pratt's underscoring of the ongoing effects of historically constituted relations of power challenges us to think about the conceptual and methodological tools that support rigorous analysis of the inter-relationship between the textual and everyday practice of the contact zone.

Second, Pratt conceives of contact zones as 'fundamentally asymmetrical' and open to all of the ambivalences of difference, expressions of power and modes of manipulation that are observable in other domains. We see contact zones not as solid sites inevitably heralding progress, but as fragile marginal spaces where the ideals of radically democratic social relations are far from guaranteed. While contact zones hold much potential for the negotiation of coexistence, they also signify possibilities that (post)colonial voices, identities and differences will be manipulated, dominated or categorically ignored. Contact zones keep us alert to the potential for colonial power relations of marginalization and repression

to continue, and for existing planning laws, policies and procedures to erode Indigenous claims.

The research presented in this book addresses three sets of interrelated questions that establish the foundation for critical investigation of planning contact zones:

1. How do we see / conceive the spaces in which the struggle for coexistence unfolds? How might we better understand and critically interrogate the emergence and enactment of these zones of contact, as well as the everyday practice of struggles and intercultural negotiations that occur within them?
2. What are the discourses, structures and materialities that shape planning contact zones? How are the borders and spaces of the contact zone negotiated and produced, and with what effect? Do these look different between urban and environmental planning contexts?
3. What politics and practices might challenge and reconstitute the fundamental asymmetry of the contact zone? How should we co-create practices of coexistence and what are the implications for the recognition of Indigenous rights and title in planning?

This book is grounded in two specific settler-state jurisdictions: Victoria, Australia, and British Columbia (BC), Canada. The rationale for comparing these two former British settler states lies partly in their strong historical similarities and partly in the evolution of different ways of approaching recognition. Both places were shaped by violent, colonial acts of dispossession and assimilation, which stripped Indigenous peoples of land and political authority and sought to destroy their cultural practices. Yet Indigenous peoples in both places continue to assert their rights to land, as well as their political right to self-determination. And, in both places, these struggles over land and authority are increasingly playing out within the context of land-use planning, with individual planners (if not entire planning systems) often struggling to address coexistence with Indigenous customary law. These negotiations are ongoing and dynamic, and our interest in Victoria and British Columbia is precisely because these are places where the recognition of Indigenous rights and title is in flux, where Indigenous demands are clear and present upon planning systems, and where the planning profession is still trying to make sense of how to appropriately respond.

The comparative analysis of the two settler-state jurisdictions presented in the book operates at two spatial and political scales. Planning contact zones are produced at least partially at the state- or province-wide scale, where the legislative and policy regimes of the state impose certain demands and expectations. A significant component of this book, then, addresses this scale of jurisdiction. Yet Indigenous struggles and demands are place-based, attending as they do to highly specific spatial and political expressions of sovereignty. To understand how and where moments of Indigenous engagement with planning arise and work, and what they mean, we use local case studies; and so the book tells four different stories of the engagement of Indigenous people with state-based planning. Two cases are

located in Victoria: one urban case, that of the Wurundjeri people's involvement in urban planning processes in metropolitan Melbourne; and one environmental case, that of the Wadi Wadi people's experience of forestry and protected area planning in northwest Victoria. Two cases are located in BC: one urban case, that of the Tsleil-Waututh Nation's relationship to strategic land-use planning conducted by one of the municipalities operating on their territory; and one environmental planning case, that of the Gitanyow Huwilp's role in the development of a strategic natural resource plan for the Nass River watershed in northwest BC. The locations where these stories are unfolding are represented.

The terms used to describe Indigenous people, are highly across contexts and sometimes contested even within and between the two jurisdictions we discuss in this book. We have chosen to mostly use the term Indigenous rather than Aboriginal where we are referring to a general identity position such as 'Indigenous people and planning'. We use Aboriginal where that has been requested by our participants or when we are referring to laws, politics and reports that use that terminology explicitly. When we are discussing the cases presented in this book, we use the specific name of the people: Wurundjeri, Wadi Wadi, Tsleil-Waututh and Gitanyow.

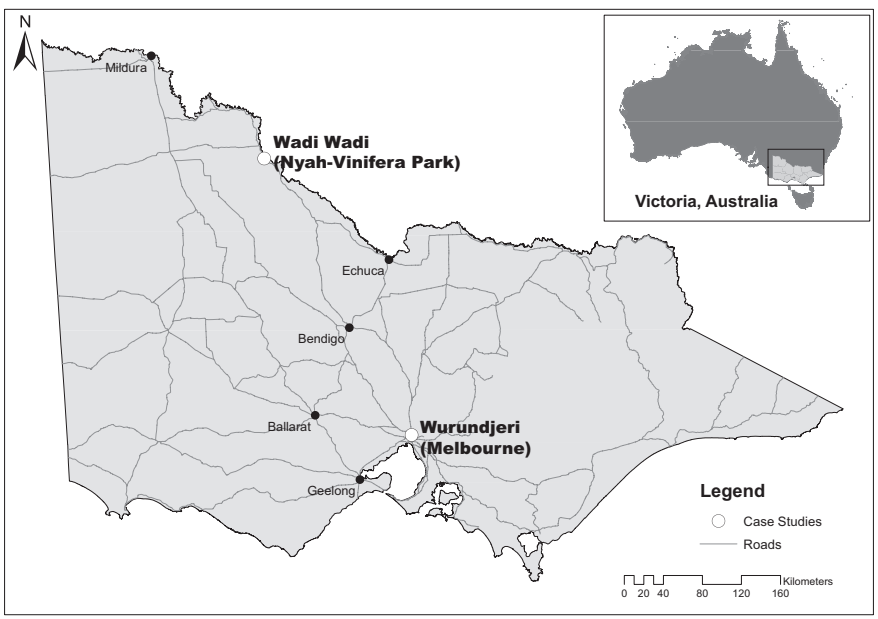

Figure 1.1 Location of case studies in Victoria

Source: Map created by Fiona McConnachie for the authors

The following paragraphs provide a brief orientation to each of these Indigenous groups, their story, and the very different state-based planning processes in which each became involved.

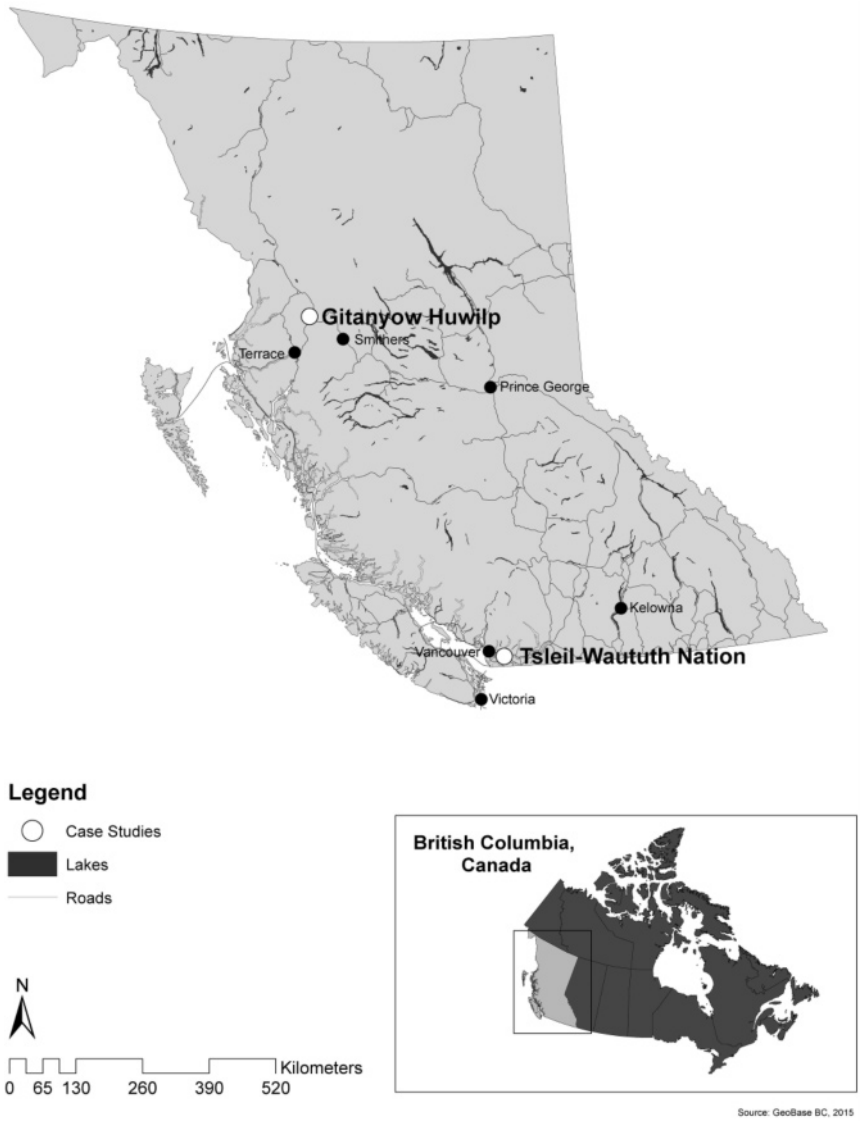

Figure 1.2 Location of case studies in BC

Source: Map created by Krista Rogness for the authors

Wurundjeri and Urban Planning in Melbourne

The Wurundjeri are descended from Wurundjeri-willam people of the Woiwurrung language group. Wurundjeri country[1] is now principally covered by the city of Melbourne, Australia's second largest city, and is therefore under heavy and mounting pressure from rapid urban and housing development in the city's expanding growth corridors. The Wurundjeri people have long asserted their continuing presence on country,[2] through their representative body, the Wurundjeri Tribe Land and Cultural Heritage Compensation Council Incorporated (hereafter Wurundjeri Council). A principal activity of the Council is the protection of cultural heritage, as well as land management, cross-cultural education and training programs, cultural consultations, music, dance, language and naming. The Wurundjeri story is about how, through the Council, they came to have significant statutory powers over certain urban development applications on their country, and what this highly regulatory form of recognition means.

Wadi Wadi and Co-Management of Nyah-Vinifera Park

The Wadi Wadi people are today made up of some 11 principal family groups with links through key apical ancestors and deep ancestral connections to the river red gum flood plains on both sides of the Murray River, which forms part of the boundary between Victoria and New South Wales. A key place of focus for the Wadi Wadi people is the Nyah-Vinifera Park, a 1,370-hectare reserve located on the Victorian side of the river that includes unique examples of river red gum trees, flood-plain biodiversity, and significant Wadi Wadi cultural sites. Having fought a long battle against timber harvesting in the area, the Wadi Wadi were instrumental in achieving a higher conservation status for Nyah-Vinifera in 2009. These efforts led to a formal process of negotiating with the Victorian State Government to agree to a co-management arrangement for governance of the park. This process, involving a lengthy series of meetings and negotiations with the Victorian Government's planning and land management agency, has as yet failed to produce an agreement. Although the negotiations are currently at a standstill, the Wadi Wadi continue their struggle for recognition and for greater control over the park.

1 The expression 'country' is used widely by Aboriginal and Torres Strait Islander people in Australia to refer to the lands and waters to which they belong: a 'place of origin in spiritual, cultural and literal terms' (Fredericks 2013).

2 To be 'on country' expresses a spatial and continuing relationship with those lands and waters.

Tsleil-Waututh Nation and Joint Planning Initiatives with the District of North Vancouver

The Tsleil-Waututh Nation, 'the People of the Inlet', is a Coast Salish Nation with territories in metropolitan Vancouver, over which 17 different municipalities and a regional authority all have overlapping jurisdiction. Tsleil-Waututh's primary reserve is immediately adjacent to the District of North Vancouver, one of several municipalities within Metro Vancouver, BC's largest city and the third most populous metropolitan area in Canada. All of Tsleil-Waututh's territory is under increasing development pressure and Tsleil-Waututh Nation has been engaged in a variety of initiatives to help them pursue their land-use interests, increase their visibility and become a more integral player in what is going on around them. These efforts have included the development of a bioregional atlas for their traditional territory and the creation of internal policies that articulate how they envision their relationship with businesses and government agencies operating in their traditional territory. Tsleil-Waututh Nation has also been involved in several joint planning initiatives with the District of North Vancouver, including a municipal park planning process and the development of the municipality's Official Community Plan (OCP).

Gitanyow Huwilp and the Nass and Skeena River Watersheds

Located in the Nass and Skeena River Watersheds in northern British Columbia, the Gitanyow is comprised of eight houses, or *Wilp*. Collectively known as the Gitanyow Huwilp, these houses own and have authority over a defined territory, or *Lax'yip*, and have been engaged in their own systems of land-use planning since time immemorial. This work has continued right up to the present day, including their most recent Wilp Sustainability Plan. The preparation of this plan began with the establishment of a formal planning relationship with the BC Provincial Government, and tied into two different provincial planning instruments and processes. These processes culminated in the signing of a *Recognition and Reconciliation Agreement* between the Gitanyow Huwilp and the BC Government, which includes written management objectives and designated resource management zones. Two key dimensions of the agreement are the recognition of the Gitanyow's traditional governance system and the maintenance of ecological and socio-cultural well-being for each individual Wilp as a major planning objective.

A Reflective Account of Our Research Methods and Procedures

In order to enable examination of planning contact zones at multiple scales, and in different settings, our research design was structured around two interrelated measures of analysis. We began with a detailed analysis of the settler-state

documents that catalyze, and then powerfully shape, Indigenous recognition in the structures and processes of state-based planning. Both Canada and Australia adopt a federated system of governance in which the planning and regulation of lands is *primarily* an area of provincial/state responsibility. As a result, we focused significant attention on statutes, regulations and policy at the state/provincial scale, being ever mindful that Victoria and BC have (to varying degrees) created entirely different policy directions for land-use planning for built and natural environments, with different government agencies overseeing their implementation. The planning systems in both locations also allow for some level of discretion (albeit with significant differences), which meant that the dataset also needed to include non-statutory texts (for example, guidance notes, fact sheets and best practice manuals). A total of 120 planning texts, across both jurisdictions, were analyzed.

This analysis provided a clearer sense of how the contact zone was conceived through the texts and helped to identify precisely where, to what degree and in what ways Indigenous rights, title and interests were recognized. We paid particular attention to when and at what stage Indigenous peoples were inserted into the planning process, over what substantive planning issues, and with what powers over intended process and outcomes of planning. We also looked for moments when planning documents were cross-referencing the case law, statues and policies that define the settler state's understanding of Indigenous rights and title. This textual analysis was structured through a series of linked questions. The first was an essential temporal dimension: was the intersection of Indigenous interests in planning seen as a product of a distant colonial past, or as an ongoing and contemporary concern? The second was the political dimension: are Indigenous people cast as 'objects' of planning, or as having their own agency in relation to strategic planning processes and goals? In a final stage of analysis, we looked at the spatial dimension of Indigenous recognition in planning systems. In what kinds of places was a legitimate 'Indigeneity' enabled under the gaze of planning? Was it tied to distinct sites or over entire territories? How was the relationship of Indigeneity linked to property, and especially of Indigenous title to private property rights?

This textual analysis was linked to and helped inform the second stage of the research design: the selection, negotiation and analysis of the four case studies. These cases were chosen because each represented not 'planning as usual' but a situation where unusual levels of Indigenous recognition were in play, and where it seemed that state-based planning agencies were being pushed by these four nations in innovative or potentially transformative ways. Having identified a number of possible case studies, we started to develop relationships with our Indigenous research participants. An important element of the discussions that unfolded was the identification of the formal mechanisms for engaging each of the relevant governing bodies. After extensive negotiations with Chiefs, Elders, Band Councils, professional officers and community members, we eventually signed individual research agreements with each. Those research agreements

set out expectations and agreed-upon principles, covering intellectual property; verification of results and sign-off of findings; dispute resolution; confidentiality; reciprocity; and benefit sharing. Negotiations also dealt with funds to support and recognize the participation of each nation, paid to each out of the project budget from the funder, the UK's Economic and Social Research Council.

Once the research agreements were in place, we undertook in-depth interviews, collected relevant secondary documents and, in some cases, engaged in limited forms of direct observation. A total of 57 interviews across all of the cases were conducted with Indigenous and non-Indigenous informants directly involved in each planning contact zone. These interviews included Indigenous Elders and elected leaders, as well as any consultants and other advisors who supported their participation in a state-based planning process. Interviews were also conducted with state-based planners and other staff and elected officials involved in land-use management. The interviews were semi-structured in nature, lasting between one and two hours. All the interviews were transcribed, reviewed and approved by the interviewee prior to analysis. Documents ranged from strategic plans, internal reports and datasets where appropriate, Memoranda of Understanding or other kinds of agreement between planning authorities and participant groups.

The interview transcripts and case-specific documents were examined to construct a detailed narrative of the dynamics of each planning contact zone. Analytically, we focused on the specific practices and strategies used by our participants to catalyze the formation of a planning relationship between the Indigenous nation and the relevant state-based planning agency and to expand and/or deepen the scope of this planning contact zone once it was established. Because of the political and potentially sensitive nature of our investigation, all of the interviewees were given the opportunity to review their transcripts and to modify or strike information. The broad narratives of each case study (which became the basis of each of the four case study chapters in Part II) were presented and workshopped with each Indigenous participant group to obtain feedback on how we had understood and expressed their stories, and then to solicit approval. These were robust discussions that, in most instances, led to some revisions in our interpretation. Authorized representatives and/or the formal governing body for each of the participating Indigenous groups approved the findings before publication and dissemination of an online final project report. A final round of review, modification and approvals was activated prior to publication of this book.

On many levels, this account of the process of recruiting case studies and participants and collecting and analyzing data is insufficient. There were many nuances in each of the stories about how we came to settle on a research protocol with the people who agreed to work with us, and how the actual everyday work in understanding the story of each unfolded. What sounds standardized and relatively static in our account never actually felt or worked as such. We are not at liberty to discuss many of these nuances as they would reveal sensitivities and confidentialities that would contravene our principles as well as our agreements. It is clear that the very activity of research with, about and for Indigenous